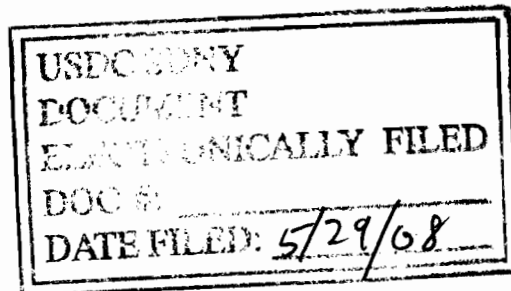


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**



-----X  
GRAY & ASSOCIATES, LLC, in its capacity as :  
Trustee, on behalf of the SVCMC Litigation Trust :

Plaintiff,

- against -

MCDERMOTT WILL & EMERY LLP, :  
WILLIAM P. SMITH, STEPHEN B. SELBST :  
and DAVID D. CLEARY, :

Defendants.  
-----X

: 08 CV 04401 (AKH)

: ECF Case

**STIPULATION AND SCHEDULING ORDER**

WHEREAS, defendants removed the above-captioned case from the Supreme Court of the State of New York, County of New York, to this Court on May 9, 2008 and filed a corrected notice of removal on May 22, 2008;

WHEREAS, plaintiff intends to move to remand the case to the state court from which it was removed;

WHEREAS, defendants moved to dismiss the complaint on May 15, 2008; and

WHEREAS, the parties have agreed, subject to court approval, upon a mutually convenient briefing schedule for both the plaintiff's motion to remand and the defendants' motion to dismiss;

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties stipulate and agree as follows:

**A. Removal and Remand**

1. Plaintiff will serve and file its motion to remand and supporting memorandum on June 9, 2008;

2. Defendants will serve and file their memorandum in opposition to the motion to remand on July 14, 2008;

3. Plaintiff will serve and file its memorandum in reply to defendants' memorandum in opposition to the motion to remand on August 4, 2008.

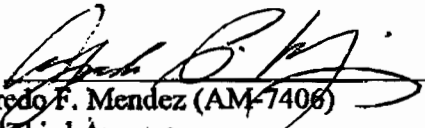
**B. Motion to Dismiss Complaint**

1. Plaintiff will serve and file its memorandum in opposition to the defendants' motion to dismiss on June 17, 2008.

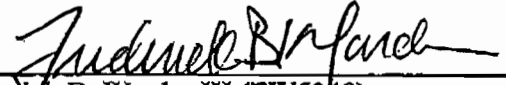
2. Defendants will serve and file their memorandum in reply to plaintiff's memorandum in opposition to the defendants' motion to dismiss on July 18, 2008.

Dated: May 29, 2008  
New York, New York

ABRAMS, FENSTERMAN, FENSTERMAN,  
EISMAN, GREENBERG, FORMATO &  
EINIGER, LLP

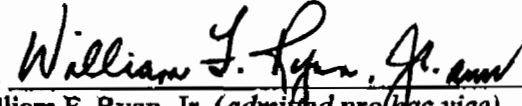
By:   
Alfredo F. Mendez (AM-7406)  
630 Third Avenue  
New York, NY 10017  
Telephone: (516) 328-2300  
Facsimile: (516) 328-6638

PATTERSON BELKNAP WEBB & TYLER LLP

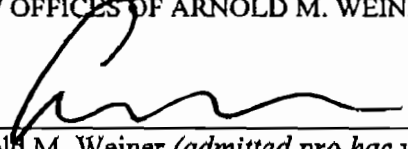
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Cleary, Defendants

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*Counsel for Gray & Associates, LLC, in its  
capacity as Trustee on behalf of the Saint Vincent  
Catholic Medical Center Litigation Trust, Plaintiff*

SO ORDERED

This 29 day of May, 2008

  
United States District Judge